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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/375,710	08/17/1999	BRIAN M. UNITT	476-1830	5479

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EXAMINER

EMDADI, KAMRAN

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/375,710

Applicant(s)

UNITT ET AL.

Examiner

Kamran Emdadi

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 August 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).
3. Claims 1, 4, 5, 10-12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Brueckheimer et al. (US Patent No. 6519261).
  - Regarding claims 1, 10-12, and 15, Brueckheimer teaches: an ATM, Multiplexing system that employs AAL functionality (Abstract), where the ATM functions are interfacing with a multiplexing arrangement (Figure 1), with two data streams separated by voice and data both traveling into an ATM interface which includes ATM cell assembly (Figure 7B) and a priority designated to voice over data because of the time sensitivity issue of real time data (Col 7, lines 15-

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22) and user's needs being accommodated by the switching equipment (Col 5, lines 30-32).

- Regarding claims 4 and 14, Brueckheimer teaches: an AAL-5 compatibility for the voice and data transferring (Col 4, lines 15-18) and (Col 7, lines 15-17).
- Regarding claim 5, Brueckheimer teaches: a packet assembly and disassembly 15 for IP packets to be communicated to the other portions of the data processing to include the voice and data frames (Figure 1).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 6, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brueckheimer et al. (US Patent No. 6519261) in view of DeNap et al. (US Patent No. 6490273).

- Regarding claims 2, 3, 6, and 13, Brueckheimer teaches: all of the above embodiments except a subscriber phone system with an added feature of ADSL and a gateway coupled to a PSTN. DeNap teaches: an ATM networking system with a coupling to a PSTN and a gateway to the PSTN 508, (Figure 5), with both data and voice data flowing into the ATM interface 210 (Figure 3) and an ADSL embodiment for providing the users with the ATM data to their ADSL equipment

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(Col 20, lines 5-12), where the purpose of this invention is to provide the capabilities of ATM voice, data and video type services to businesses as well as individual consumers by integration and adaptation efforts (Background information) whereas the purpose is more clearly stated (Col 1, lines 65-67).

Therefore it would have been obvious to include these types of services in the embodiment of Brueckheimer for the necessary data separation and multiplexing of ATM traffic to various subscribers for increased services provided.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brueckheimer et al. (US Patent No. 6519261) in view of DeNap et al. (US Patent No. 6490273) and further in view of Bergenwall et al. (US Patent No. 6463082).
  - Regarding claims 7-9, Brueckheimer and DeNap teach: all of the above embodiments except a compressed header for a voice packet and an IP packet headed for an IP gateway device in a single VC. Bergenwall teaches: an IP packet (Figure 1) with a header compression technique used for reducing overhead in a network of IP packet traffic (Col 6, lines 5-8) Therefore it would have been obvious to include header compression for an IP packet destined for an IP packet handling gateway and for a single VC to be employed to maintain the integrity necessary for voice to travel in real-time across the ATM network VC in order for the overhead to be reduced and for the data to be streamlined efficiently for the real-time functionality required of the inventions.

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*Conclusion*

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

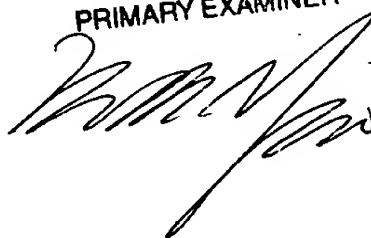
- Biggs et al. (US Patent No. 5625407) Multimedia system.
- Allen, Jr. et al. (US Patent No. 6169735) ATM switching system.
- Hörlin (US Patent No. 6212162) Packet flow control.
- Burg et al. (US Patent No. 6400723) Multiplexing system for voice and data.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kamran Emdadi

04/16/2003

KWANG BIN YAO  
PRIMARY EXAMINER



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